

REMARKS/ARGUMENTS

Claims 1-14 are cancelled in this patent application. By the office action of August 11, 2005, claims 15-172 were rejected on various grounds discussed below. Claim 146 was amended and new claims 173-177 were added to clarify the potential variance in the initiation of the delay before accepting bids. Applicant's counsel wants to thank Examiner Robinson-Boyce and Examiner Hayes for taking the time to interview the case shortly after the office actions were issued. The interview focused on discussion of Woolston & Godin and the absence of disclosure on latency and attempts to solve latency issues. The discussion also addressed the claim elements addressing latency as well as Applicant's prior issued patent of which this case is a continuation-in-part. The discussion concluded with an assessment that additional searching would be needed, but the Examiner had a general belief, but no commitment, on the information in front of them that the current case would likely be allowable on the same basis as the issued patent from which it in part claims priority.

Rejections under 35 USC § 103

Claims 15-172 were rejected under 35 USC § 103(a) as being unpatentable over Woolston (US 6,202,051) and further in view of Godin et al. (US 5,890,138). As discussed in the interview, the references cited do not address the challenges of latency or specific methods of addressing these challenges such as the introduction of a delay period prior to accepting new bids as disclosed and claimed by the applicants. These elements are presented in each of the independent claims 15, 62, 103, and 146.

Terminal Disclaimer

In the course of the Examiner Interview the applicant's prior patent U.S. Patent No. 6,415,269 was discussed with regards to its close relationship to the disclosure and claims of the current continuation-in-part application and it was the Examiner's indication that Applicant should file a terminal disclaimer for the current application with respect to the prior patent to avoid an obviousness-type double-patenting rejection. Based on that request, Applicant is hereby attaching such a disclaimer.

Amended Claims

Claim 146 was amended and new claims 173-177 were added to further clarify that the initiation of the delay could occur at any number of points which occur virtually simultaneously. While it was intended that all such points be represented and treated as effectively the same, the amendment has been made to expressly provide the same teaching previously provided in the specification in the following quote:

"While illustrated here with the delay before opening the bid window as being the amount of time since the last bid, this is merely another method for accounting for the delay. The preferred method for the delay is the number of seconds since the new asking bid was broadcast. However, since the time from the entry of the last bid and broadcasting of the new bid is virtually instant and does not involve a communication delay (with all of this gap between entry of last bid and broadcasting new bid taking place within the auction control system) defining the time as the delay from the last bid has, as a practical matter, the same effect as defining it as the delay from the broadcast of the new asking bid and for the purposes of this application, the two alternatives will be considered equivalent. Similarly, other minor events in that sequence occurring within the auction control system could also be used as the benchmark for the start of the delay and (with differences in the hundredths of second range or less) will result in equivalent results within the spirit of this disclosure and its claims."

Allowable Subject Matter

Claims 47-49, 51-53, 88-90, 92-94, 135-137 and 162-164 were objected to as being dependent from a rejected claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully appreciates this statement of allowable subject matter but still believes that the underlying independent claims are also allowable and so is not rewriting these claims into independent form at this time.

Conclusion

In view of the present remarks, the applicant submits that claims 15-177 are allowable over the cited references. Allowance of these claims is respectfully requested.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

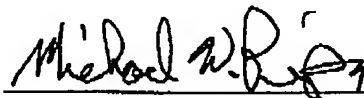
Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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